

SANDRA R. BROWN
Acting United States Attorney
LAWRENCE S. MIDDLETON
Assistant United States Attorney
Chief, Criminal Division
FRANCES S. LEWIS (Cal. Bar No. 291055)
Assistant United States Attorney
General Crimes Section
1100 United States Courthouse
312 North Spring Street
Los Angeles, California 90012
Telephone: (213) 894-4850
Facsimile: (213) 894-0141
E-mail: Frances.Lewis@usdoj.gov

Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER PSAILA,

Defendant.

No. CR 17-257-FMO

STIPULATION REGARDING REQUEST FOR
FINDINGS OF EXCLUDABLE TIME
PERIODS PURSUANT TO SPEEDY TRIAL
ACT

CURRENT TRIAL DATE: 7/11/2017

PROPOSED TRIAL DATE: 12/12/2017

Plaintiff United States of America, by and through its counsel of record, the Acting United States Attorney for the Central District of California and Assistant United States Attorney Frances S. Lewis, and defendant CHRISTOPHER PSAILA ("defendant"), both individually and by and through his counsel of record, Deputy Federal Public Defender Jennifer J. Uyeda, hereby stipulate as follows:

1. The Indictment in this case was filed on April 28, 2017. Defendant first appeared before a judicial officer of the court in which the charges in this case were pending on May 11, 2017. The

1 Speedy Trial Act, 18 U.S.C. § 3161, originally required that the
2 trial commence on or before July 20, 2017.

3 2. On May 11, 2017, the Court set a trial date of July 11,
4 2017, at 8:30 a.m. Defendant was released pending trial.

5 3. By this stipulation, defendant moves to continue the trial
6 date to December 12, 2017, at 8:30 a.m. and to set a pretrial
7 conference for December 4, 2017, at 2:00 p.m., along with the
8 following deadlines: (1) government's initial and supplemental
9 disclosure due August 1, 2017; (2) discovery cut-off and defendant's
10 discovery disclosure due September 1, 2017; (3) motions in limine,
11 jury instructions, pretrial exhibit stipulation, and a verdict form
12 due November 6, 2017; (4) opposition(s) to motions in limine, joint
13 statement of the case, and proposed voir dire questions due November
14 13, 2017; (5) government's trial memorandum due November 20, 2017;
15 and (6) reply brief(s) due motions in limine to November 27, 2017.
16 This is the first request for a continuance.

17 4. Defendant requests the continuance based upon the following
18 facts, which the parties believe demonstrate good cause to support
19 the appropriate findings under the Speedy Trial Act:

20 a. Defendant is charged in a nine-count indictment with
21 seven counts of violating 18 U.S.C. § 1343 (wire fraud), one count of
22 violating 18 U.S.C. § 1029(a)(2) (use of unauthorized access device),
23 and one count of violating 18 U.S.C. § 1028A(a)(1) (aggravated
24 identify theft). The government has made available for inspection to
25 the defense the discovery currently in its possession, including over
26 2,000 pages of financial records, credit card statements, invoices,
27 interview notes, other documents, and images, as well as a recorded
28 statement. Because the government's discovery contains personal

1 identifying information, the redaction of which would result in a set
2 of discovery that would be highly confusing and difficult to
3 understand, the parties are also negotiating a protective order for
4 presentation to the Court in the near future.

5 b. Counsel for defendant is currently scheduled to be in
6 trial in United States v. Grey, CR 15-334-PSG, a 22-defendant RICO
7 case scheduled for trial on July 11, 2017, and expected to last four
8 weeks; United States v. Dana McNew, CR 17-CR-486-FMO, a mail theft
9 case scheduled for trial on August 8, 2017, and expected to last two
10 days; United States v. Ashley, CR 16-296-JAK, an unemployment
11 benefits fraud case scheduled for trial on September 19, 2017, and
12 expected to last 2 days; United States v. Dutton, CR 16-462-ODW, a
13 two defendant union benefits fraud case scheduled for trial November
14 14, 2017, and expected to last 1 week.

15 c. In light of the foregoing, counsel for defendant
16 represents that additional time is necessary to confer with
17 defendant, conduct and complete an independent investigation of the
18 case, conduct and complete additional legal research including for
19 potential pre-trial motions, review the discovery and potential
20 evidence in the case, and prepare for trial in the event that a
21 pretrial resolution does not occur. Defense counsel represents that
22 failure to grant the continuance would deny her reasonable time
23 necessary for effective preparation, taking into account the exercise
24 of due diligence.

25 d. Defendant believes that failure to grant the
26 continuance will deny him continuity of counsel and adequate
27 representation.

28 e. The government does not object to the continuance.

1 f. The requested continuance is not based on congestion
2 of the Court's calendar, lack of diligent preparation on the part of
3 the attorney for the government or the defense, or failure on the
4 part of the attorney for the government to obtain available
5 witnesses.

6 5. For purposes of computing the date under the Speedy Trial
7 Act by which defendant's trial must commence, the parties agree that
8 the time period of July 11, 2017, to December 12, 2017, inclusive,
9 should be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A),
10 (h)(7)(B)(i), and (h)(7)(B)(iv) because the delay results from a
11 continuance granted by the Court at defendant's request, without
12 government objection, on the basis of the Court's finding that:
13 (i) the ends of justice served by the continuance outweigh the best
14 interest of the public and defendant in a speedy trial; (ii) failure
15 to grant the continuance would be likely to make a continuation of
16 the proceeding impossible, or result in a miscarriage of justice; and
17 (iii) failure to grant the continuance would unreasonably deny
18 defendant continuity of counsel and would deny defense counsel the
19 reasonable time necessary for effective preparation, taking into
20 account the exercise of due diligence.

21 6. Nothing in this stipulation shall preclude a finding that
22 other provisions of the Speedy Trial Act dictate that additional time
23 periods be excluded from the period within which trial must commence.

24 //

25 //

Moreover, the same provisions and/or other provisions of the Speedy Trial Act may in the future authorize the exclusion of additional time periods from the period within which trial must commence.

IT IS SO STIPULATED.

Dated: May 23, 2017

Respectfully submitted,

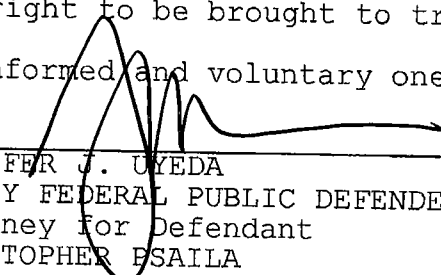
SANDRA R. BROWN
Acting United States Attorney

LAWRENCE S. MIDDLETON
Assistant United States Attorney
Chief, Criminal Division

/s Frances S. Lewis
FRANCES S. LEWIS
Assistant United States Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA

1 I am CHRISTOPHER PSAILA's attorney. I have carefully discussed
 2 every part of this stipulation and the continuance of the trial date
 3 with my client. I have fully informed my client of his Speedy Trial
 4 rights. To my knowledge, my client understands those rights and
 5 agrees to waive them. I believe that my client's decision to give up
 6 the right to be brought to trial earlier than December 12, 2017, is
 7 an informed and voluntary one.
 8

9 
 10 JENNIFER J. UYEDA
 11 DEPUTY FEDERAL PUBLIC DEFENDER
 12 Attorney for Defendant
 13 CHRISTOPHER PSAILA

5/24/17
 Date

14 I have read this stipulation and have carefully discussed it
 15 with my attorney. I understand my Speedy Trial rights. I
 16 voluntarily agree to the continuance of the trial date, and give up
 17 my right to be brought to trial earlier than September 12, 2017. I
 18 understand that I will be ordered to appear in Courtroom 6D of the
 19 United States Courthouse, 350 W. 1st Street, 6th Floor, Los Angeles,
 20 CA 90012 Federal Courthouse, on December 4, 2017, at 2:00 p.m. and
 21 December 12, 2017, at 8:30 a.m.

22 
 23 CHRISTOPHER PSAILA
 24 Defendant

5/24/17
 Date